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1 Tammy Hussin, Esq. (Bar No. 155290)
 2 Lemberg Law, LLC
 6404 Merlin Drive
 3 Carlsbad, CA 92011
 4 Telephone (855) 301-2100 ext. 5514
 thussin@lemberglaw.com

5
 6 Lemberg Law, LLC
 1100 Summer Street
 7 Stamford, CT 06905
 8 Telephone: (203) 653-2250
 Facsimile: (203) 653-3424

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 10 Attorneys for Plaintiff,
 Jennifer Flores

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 13 UNITED STATES DISTRICT COURT
 14 CENTRAL DISTRICT OF CALIFORNIA
 15 WESTERN DIVISION

16 **CV14-00696-BRO(RZx)**

17 Jennifer Flores,

Case No.:

18
 19 Plaintiff,

20 vs.

21 Colorado Technical University ; and
 22 DOES 1-10, inclusive,

23 Defendants.
 24

COMPLAINT FOR DAMAGES
1. VIOLATION OF THE
TELEPHONE CONSUMER
PROTECTION ACT, 47 U.S.C. § 227,
ET. SEQ;
2. VIOLATION OF BUSINESS &
PROFESSIONS CODE § 17200, ET.
SEQ.

JURY TRIAL DEMANDED

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 COMPLAINT FOR DAMAGES

FILED
 2014 JAN 29 PM 2:36
 CLERK U.S. DISTRICT COURT
 CENTRAL DIST. OF CALIF.
 LOS ANGELES
 BY: _____

1 For this Complaint, the Plaintiff, Jennifer Flores, by undersigned counsel, states
2 as follows:
3

4 **JURISDICTION**

5 1. This action arises out of Defendants' repeated violations of the
6 Telephone Consumer Protection Act, 47 U.S.C. § 227, *et. seq.* (the "TCPA") and
7 violation of California Business & Professions Code § 17200, *et. seq.* ("UCL").
8

9 2. Supplemental jurisdiction exists pursuant to 28 U.S.C. § 1367.

10 3. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in that
11 Defendants transact business here and a substantial portion of the acts giving rise to
12 this action occurred here.
13

14 **PARTIES**

15 4. The Plaintiff, Jennifer Flores (hereafter "Plaintiff"), is an adult individual
16 residing in Palmdale, California, and is a "person" as defined by 47 U.S.C. § 153(10).
17

18 5. Defendant, Colorado Technical University ("CTU"), is a Colorado
19 business entity with an address of 4435 North Chestnut Street, Colorado Springs,
20 Colorado 80907, and is a "person" as defined by 47 U.S.C. § 153(10).
21

22 6. Does 1-10 (the "Agents") are individual employees and/or agents
23 employed by CTU and whose identities are currently unknown to the Plaintiff. One or
24 more of the Agents may be joined as parties once their identities are disclosed through
25 discovery.
26
27
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1 15. At all times referenced herein and within the last four years, CTU placed
2 calls to Plaintiff on her cellular telephone by using an automated telephone dialing
3 system and by using an artificial or prerecorded voice (“automated calls”).
4

5 16. CTU’s telephone dialing systems have the capacity to store or produce
6 telephone numbers to be called, using a random or sequential number generator.
7

8 17. The calls from CTU to Plaintiff were not placed for “emergency
9 purposes” as defined by 47 U.S.C. § 227(b)(1)(A)(i).
10

11 18. The telephone number called by Corinthian was assigned to cellular
12 telephone services for which Plaintiffs incur charges for incoming calls pursuant to 47
13 U.S.C. § 227(b)(1).
14

15 19. Plaintiff specifically requested that the calls stop. As such, CTU’s
16 automated calls were made without Plaintiff’s consent and in violation of 47 U.S.C. §
17 227(b)(1)(A)(iii).
18

19 20. CTU continued to barrage Plaintiff with automated calls knowing that it
20 lacked consent to call and after Plaintiff’s request that CTU stop calling.
21

22 21. CTU continued to call Plaintiff without her consent in knowing and/or
23 willful violation of the TCPA, and as such each call is subject to treble damages
24 pursuant to 47 U.S.C. § 227(b)(3)(C).
25
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COUNT II
INVASION OF PRIVACY BY INTRUSION UPON SECLUSION

22. The Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

23. The Restatement of Torts, Second, § 652B defines intrusion upon seclusion as, “One who intentionally intrudes...upon the solitude or seclusion of another, or his private affairs or concerns, is subject to liability to the other for invasion of privacy, if the intrusion would be highly offensive to a reasonable person.”

24. California further recognizes the Plaintiff’s right to be free from invasions of privacy, thus the Defendants violated California state law.

25. The Defendants intentionally intruded upon Plaintiff’s right to privacy by continually harassing Plaintiff with the above referenced telephone calls.

26. The telephone calls made by the Defendants to Plaintiff were so persistent and repeated with such frequency as to be considered, “hounding the plaintiff,” and, “a substantial burden to her existence,” thus satisfying the Restatement of Torts, Second, § 652B requirement for an invasion of privacy.

27. The conduct of the Defendants in engaging in the illegal collection activities resulted in multiple invasions of privacy in such a way as would be considered highly offensive to a reasonable person.

28. As a result of the intrusions and invasions, the Plaintiff is entitled to actual damages in an amount to be determined at trial from the Defendants.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff prays that judgment be entered against the Defendants:

- A. As a result of each call made in negligent violation of the TCPA, Plaintiff is entitled to an award of \$500.00 in statutory damages for each call in violation of the TCPA pursuant to 47 U.S.C. § 227(b)(3)(B).
- B. As a result of each call made in knowing and/or willful violation of the TCPA, Plaintiff is entitled to an award of treble damages in an amount up to \$1,500.00 pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C);
- C. An Order from the Court enjoining CTU from violating the TCPA and invading the privacy of all California residents;
- D. Costs of litigation and reasonable attorney's fees pursuant to pursuant to Cal. Civ. Code § 1021.5 for violations of the UCL;
- E. Such other and further relief as may be just and proper.

TRIAL BY JURY DEMANDED ON ALL COUNTS

1 DATED: January 23, 2014

TAMMY HUSSIN

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3 

4 By: _____

5 Tammy Hussin, Esq.

6 Lemberg Law, LLC

7 Attorney for Plaintiff, Jennifer Flores

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES

This case has been assigned to District Judge Beverly Reid O'Connell and the assigned Magistrate Judge is Ralph Zarefsky.

The case number on all documents filed with the Court should read as follows:

2:14-cv-00696-BRO(RZx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge.

Clerk, U. S. District Court

January 29, 2014

Date

By APEDRO
Deputy Clerk

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ Western Division
312 N. Spring Street, G-8
Los Angeles, CA 90012

☐ Southern Division
411 West Fourth St., Ste 1053
Santa Ana, CA 92701

☐ Eastern Division
3470 Twelfth Street, Room 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.